

the boundaries of an aliquot part; such was commonly the practice when townsites and additions to townsites were platted in Montana. If true in this case, then the SE¼NW¼ of Section 33 and the Elder and Parsons Addition only share a boundary and do not occupy the same space.

Comparing the legal descriptions in the deeds is not adequate for establishing the physical limits of the subject property. All parcels of land exist in relation to the parcels surrounding them. As a general rule, the description in a senior deed or prior conveyance has control over any discrepancy in a later one. If an error was made when the subject property was partitioned off from the larger parcel from which it was created, the physical boundaries of these adjoining parcels may be inconsistent. Their "common" boundary may in fact either overlap or not meet.

Conclusion:

1. The state has clear and convincing title to the subject property. I believe this information is sufficient to conclude, for the purposes of selecting a potential site, that the state has control of the property.
2. Using information gathered from various sources and on file at DNRC, I have concluded that the subject property is most likely non-trust land in its entirety.

A survey is a necessary and fundamental step in any real estate development project. I recommend that an accurate survey be made to locate the proposed facility north of the identified trust land in Tract M.